

1 ESPADA CRIMINAL DEFENSE
Attorneys for Plaintiff
2 J. TALITHA HAZELTON
WSBA No. 52460
3 1001 4th Ave., Ste. 3200
Seattle, WA 98154
4 (206) 467-5987
5
6

7 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON

8 JOSE ALFREDO RIVERA-RUIZ, on
behalf of himself and a class of
9 all others similarly situated,

10 Plaintiff,

11 v.

12 DOUGLAS COUNTY; GORDON EDGAR,
Prosecuting Attorney for Douglas
13 County, in his official and
individual capacities; U.S.
14 DEPARTMENT OF HOMELAND SECURITY;
KEVIN MCALEENAN, in his official
15 capacity as Secretary of the
Department of Homeland Security,
16 and the UNITED STATES OF
AMERICA,

17 Defendants.
18
19
20
21
22
23

NO. 19-CV-00170

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF ALONG WITH
MONEY DAMAGES**

I. INTRODUCTION

1. The U.S. Supreme Court has held several times that a defendant must be provided counsel upon their first appearance before a magistrate.¹

2. It is also well settled by the U.S. Supreme Court that the state, acting through its prosecutorial power, may not take advantage of unrepresented defendants.

3. The practice in Douglas County Superior Court for about twelve (12) years has been that indigent defendants are assigned a contract public defender at their preliminary hearing.

4. But the defendant must then call a phone number after the hearing to have a specific attorney assigned and set a date to meet with them.

5. Therefore, those defendants go unrepresented at their preliminary hearing.

6. After "appointing" defendants an attorney, the court then determines whether there is probable cause and if conditions of release should be imposed.

¹ This section is a syllabus. Citation to case law or the record is omitted.

1 7. The Douglas County Prosecutor's Office has been
2 taking advantage of *immigrant* defendants that go unrepresented
3 at their preliminary appearance to send those individuals into
4 summary deportation proceedings, to wit:

5 a. The jail informs the prosecutor whether a
6 defendant has an immigration hold before the
7 preliminary hearing.

8 b. The prosecutor's office charges the defendant
9 with a crime that will prevent them from receiving
10 conditions of release from immigration custody.

11 c. The prosecutor's office requests at the
12 preliminary hearing that the court not set a bond,
13 and release the defendant on their recognizance, but
14 with other conditions of release, such as appearing
15 at all further hearings.

16 d. The defendant is not informed of their
17 immigration hold or what the consequences of their
18 "release" will be.

19 e. The defendant, unrepresented, has no one to
20 advocate their or behalf.

21 f. The defendant is released from jail and into
22 immigration custody.
23

1 g. The defendant, unable to gain release from
2 immigration custody, is unable to attend their next
3 hearing.

4 h. The prosecutor requests a bench warrant, which
5 is not uncommon for a court to grant.

6 i. The prosecutor objects to any litigation or
7 negotiation unless the defendant is able to quash the
8 bench warrant or appear for court.

9 j. The defendant is deported.

10 k. Because the defendant has an open bench warrant,
11 they have no chance to return legally or convert
12 their status.

13 8. When the family of Jose Rivera-Ruiz ("Mr. Rivera")
14 contacted undersigned counsel to represent him, Mr. Rivera was
15 in immigration custody at the Northwest Detention Center
16 ("NWDC").

17 9. Originally, when Mr. Rivera was arrested for
18 allegedly giving marijuana to his friend's son, he was taken to
19 the Okanagan County Jail. The Okanagan County Jail sent an e-
20 mail alerting other local government agencies and officials
21 that Mr. Rivera had been booked and had an "immigration hold."
22 In other words - if Mr. Rivera were to be released from jail,
23 he would be immediately detained by Customs and Border

1 Protection ("CBP") and transferred to the Northwest Detention
2 Center.

3 10. The Chief Prosecutor for Douglas County assigned Mr.
4 Rivera's case to a deputy for review and charging. Mr. Rivera
5 was charged with a felony in Douglas County - distributing
6 marijuana to someone under 18 years of age - and was
7 transported to the Douglas County Jail to prepare to make his
8 "preliminary appearance" in Douglas County Superior Court. At
9 this hearing, a judge would determine if there is probable
10 cause and whether to detain or release a defendant on specific
11 conditions. Mr. Rivera appeared at this preliminary hearing
12 by video from the jail. Also in attendance were a Spanish
13 interpreter, a judge pro tempore, and the chief prosecutor for
14 Douglas County.

15 11. Mr. Rivera asked for counsel to be appointed and
16 after a colloquy as to his finances, the Court appointed him a
17 "contract public defender." Mr. Rivera was ordered to contact
18 the "public defender coordinator" within one business day of
19 the preliminary hearing to receive a specific attorney
20 assignment.

21 12. The Court then found probable cause, granted the
22 prosecution's request that Mr. Rivera be released on his own
23 recognizance on specific conditions, and gave Mr. Rivera a new
hearing date at which to appear for his arraignment.

1 13. Mr. Rivera, unrepresented, was completely unaware
2 that his release from Douglas County Jail meant that he would
3 be released to immigration custody and transported to the NWDC
4 to be detained. No one in the courtroom alerted Mr. Rivera to
5 this issue, and no one spoke on his behalf.

6 14. So, upon his release from Douglas County Jail, Mr.
7 Rivera was transported to the NWDC. Because he was charged with
8 a felony drug offense, Mr. Rivera was denied any conditions of
9 release from immigration custody. Because he was denied release
10 from immigration detention, Mr. Rivera was unable to attend his
11 arraignment. At his arraignment, the prosecutor, knowing the
12 exact reason why Mr. Rivera was unable to appear, asked for and
13 was granted a bench warrant for Mr. Rivera's failure to appear.
14 As of today's date, the warrant is outstanding.

15 15. Mr. Rivera is scheduled for a hearing in immigration
16 court on June 6th, 2019. While Mr. Rivera is in the United
17 States without any immigration status, he has two American-born
18 children, and can convert his status to legal residency through
19 them. However, if by the date of his immigration hearing he is
20 still in custody at NWDC, or he has not otherwise appropriately
21 resolved his criminal case in Douglas County, Mr. Rivera will
22 be deported, his chance to convert his immigration status will
23 disappear, and he will have an open warrant in Douglas County,
effectively preventing him future access to the United States.

1 16. Undersigned counsel was then contacted by Mr.
2 Rivera's family.

3 17. Undersigned counsel filed a motion to suppress the
4 arrest and the statements made in the state criminal case. But
5 the State actively objected to Mr. Rivera-Ruiz receiving
6 hearing time before the court to litigate absent physical
7 presence in court for advisement of rights. Undersigned counsel
8 offered to have Mr. Rivera execute signed waivers of his
9 presence at any hearing with a detailed recitation of the
10 rights at attendant hearing and waiver of same. Still, the
11 State objected.

12 18. Undersigned counsel has filed a motion to dismiss in
13 Douglas County for violations of Mr. Rivera's Fifth and Sixth
14 Amendment rights to due process and counsel, and for
15 prosecutorial misconduct for the unconstitutional actions taken
16 against Mr. Rivera.

17 19. Nevertheless, dismissal of Mr. Rivera's criminal case
18 will not stop the constitutional violations inherent in Douglas
19 County's criminal justice system.

20 20. Mr. Rivera therefore brings this § 1983 suit against
21 Douglas County and the Douglas County Prosecutor in his
22 personal and official capacity for (I) violation of Mr.
23 Rivera's Sixth Amendment right to counsel; and (II) violation
of his Fifth Amendment right to due process.

1 21. Mr. Rivera requests that this Court certify a class
2 action, with himself as the class representative, and requests
3 that this Court temporarily enjoin Defendants Douglas County
4 and the Chief Douglas County Prosecutor Gordon Edgar from (a)
5 continuing to have defendants appear unrepresented at their
6 preliminary appearance, and from (b) keeping secret from
7 defendants and defense counsel the fact of the existence of an
8 immigration hold. Mr. Rivera requests that an expedited hearing
9 on whether to make these temporary restraining orders permanent
10 within fourteen (14) days.

11 22. Mr. Rivera requests that this Court certify a class
12 action, with himself as the class representative, and requests
13 that this Court temporarily enjoin Douglas County and the
14 Douglas County Prosecutor from (a) continuing to have
15 defendants appear unrepresented at their preliminary
16 appearance, and from (b) keeping secret from defendants and
17 defense counsel the fact of the existence of an immigration
18 hold. Mr. Rivera requests that an expedited hearing on whether
19 to make this temporary restraining order permanent also be set.

20 23. Mr. Rivera requests that this Court issue a temporary
21 order enjoining the immigration proceedings against Mr. Rivera
22 until his criminal case may be resolved, and releasing Mr.
23 Rivera to the Douglas County Jail so that he may litigate his
criminal case in Douglas County Superior Court.

1 DHS is a Department of the Executive Branch of the United
2 States Government and is a federal agency. The U.S. Customs and
3 Border Protection is responsible for detaining and/or removing
4 non-citizen immigrants.

5 31. Defendant Kevin McAleenan is the Secretary of the
6 Department of Homeland Security. He is responsible for
7 implementing and enforcing the Immigration and Nationality Act
8 ("INA"), and oversees the U.S. Customs and Border Protection.
9 He is sued in his official capacity.

10 32. Defendant UNITED STATES OF AMERICA includes all
11 government agencies and departments responsible for the
12 implementation of the INA and detention and/or removal of non-
13 citizen immigrants, and other such governmental sub-units who
14 are necessary and proper defendants.

15 **III. JURISDICTION**

16 33. This Court has jurisdiction pursuant to 28 U.S.C. §§
17 1331, 1343, and 2201.

18 34. Venue is proper in this Court as the defendants' acts
19 as officers of their governmental units, and under color of
20 law, in Douglas County, Washington, located in the Eastern
21 District of Washington.

22 **IV. GENERAL ALLEGATIONS**

1 35. Plaintiff JOSE RIVERA-RUIZ ("MR. RIVERA") is in the
2 UNITED STATES as an undocumented immigrant. *Decl. of Counsel*,
3 attached to Compl., Ex. A.

4 36. MR. RIVERA has lived in the United States for more
5 than FIFTEEN (15) YEARS.

6 37. MR. RIVERA has children who are natural-born citizens
7 of the UNITED STATES.

8 38. Because he has children who are natural-born
9 citizens, MR. RIVERA is able to convert his immigration status
10 to become a resident of the United States.

11 39. On January 24, 2019, MR. RIVERA was arrested for
12 suspicion of distributing marijuana to a person under the age
13 of 18 years old.

14 40. MR. RIVERA was ARRESTED and taken to the Okanogan
15 County Jail.

16 41. During booking, MR. RIVERA stated his birthplace was
17 MEXICO. See *E-mail from Hobbs to Various Recipients*, Ex. B;
18 *USDHS I-213 Form*, Ex. C.

19 42. The Okanogan County Jail contacted Customs and Border
20 Patrol ("CBP").

21 43. During an interview with CBP, MR. RIVERA admitted to
22 not having the proper immigration documentation. Ex. C.

23 44. Christine Hobbs, Jail Records Deputy at the Okanogan
County Jail, e-mailed several Douglas and Okanogan County

1 government recipients, including the jail, court, and
2 prosecutor's office. That e-mail stated that MR. RIVERA had
3 been booked and that he had "an Immigration/Border Patrol Hold
4 at this time." Ex. B.

5 45. A post-it note attached to a print out of that e-mail
6 in the file for the DOUGLAS COUNTY PROSECUTING AUTHORITY states
7 "assign to KP for review & charging". Ex. B.

8 46. On January 25, 2019, MR. RIVERA appeared via video
9 conference for a preliminary hearing - the very first hearing a
10 detained defendant attends after being arrested. See *Criminal*
11 *Minute Sheet*, Ex. D.

12 47. Present at the preliminary hearing were Judge Pro
13 Tempore Biggar and Mr. Gordon Edgar, the Chief Prosecuting
14 Attorney for Douglas County. Ex. D.

15 48. An interpreter was present, as was a court clerk.

16 49. MR. RIVERA asked for COUNSEL. See *Verbatim Trans. of*
17 *Proceedings for Preliminary Hearing*, at 6-7, Ex. E.

18 50. COUNSEL was ASSIGNED to MR. RIVERA.

19 51. BUT because counsel was appointed at the preliminary
20 hearing, NONE WAS PRESENT at that hearing. Instead, MR. RIVERA
21 was instructed by the court to contact his attorney in the
22 future. Ex. E, at 7; *Order on Preliminary Appearance*, Ex. F.

1 52. THEREFORE, NO COUNSEL appeared at the preliminary
2 hearing to advocate for MR. RIVERA and NO COUNSEL appeared on
3 his behalf.

4 53. Therefore, only one party - the State - was
5 represented at the preliminary hearing.

6 54. The Prosecutor's Office requested that MR. RIVERA be
7 released on personal recognizance. *Recommendations of*
8 *Prosecuting Attorney on Preliminary Appearance*, Ex. G.

9 55. Mr. Rivera, unrepresented and without an advocate,
10 had no input as to what conditions of release should be
11 imposed.

12 56. Not the prosecutor, nor the court - no courtroom
13 participant informed MR. RIVERA that there was an outstanding
14 immigration hold, and that he would be detained by immigration
15 as soon as he was released.

16 57. NO ONE shared this information with MR. RIVERA.

17 58. MR. RIVERA, unaware that he would be detained by CBP
18 upon release, was released on personal recognizance.

19 59. The court directed the prosecutor's office to file
20 formal charges by January 29, 2019 and set the next hearing
21 date - arraignment - for February 25, 2019. Ex. E; Ex. F.

22 60. Upon being released from the Okanagan County Jail,
23 MR. RIVERA was detained by CBP and taken to the NORTHWEST

1 DETENTION CENTER ("NWDC"). See *Order re: Failure to Appear Due*
2 *to Immigration Custody*, Ex. H.

3 61. Because MR. RIVERA was charged with a drug crime, he
4 would be unable to convert his status to be a resident. See
5 *Letter from Mills Law Firm*, Ex. J.

6 62. Because MR. RIVERA is unable to convert his status,
7 it is highly unlikely he will be granted conditions of release
8 from NWDC.

9 63. Nevertheless, because MR. RIVERA was detained at the
10 NWDC, MR. RIVERA was unable to attend his arraignment and
11 resolve the criminal case against him.

12 64. Because MR. RIVERA failed to appear, at his
13 arraignment, the prosecutor's office requested, and the Douglas
14 County Superior Court granted, a BENCH WARRANT against MR.
15 RIVERA.

16 65. The criminal case against MR. RIVERA will remain
17 open, and a warrant against him active, until he can appear at
18 the DOUGLAS COUNTY SUPERIOR COURT to defend that case.

19 66. MR. RIVERA has a court date for status conference on
20 deportation proceedings in Immigration Court on June 6, 2019.

21 67. At that conference, if MR. RIVERA is still in
22 immigration custody, then he will most likely be deported and
23 will not be able to convert his immigration status.

1 68. If MR. RIVERA had remained in detention at the
2 Okanagan County Jail, he would have been able to continue
3 litigating and negotiating his case until its resolution.

4 69. During this period, MR. RIVERA contracted counsel for
5 his criminal case.

6 70. Counsel in MR. RIVERA's criminal case requested to
7 negotiate with the prosecutor's office to reduce the charges
8 against MR. RIVERA so that he could be released and continue to
9 convert his immigration status.

10 71. That request was denied.

11 72. Counsel filed and sought to litigate a motion to
12 suppress the stop and subsequent statement.

13 73. The prosecutor's office objected to a motion hearing
14 without the defendant's physical or video presence, and without
15 defendant being advised by the court of his rights at
16 arraignment. See *Verbatim Trans. of Proceedings for Status*
17 *Conference*, at 1-9, Ex. K.

18 74. At this time, MR. RIVERA remains in custody at the
19 NWDC, a warrant for his appearance in Douglas County Superior
20 Court remains active, and there is no court date set for his
21 criminal case. MR. RIVERA's immigration case nevertheless moves
22 forward and a hearing date has been set to begin deportation
23 proceedings.

1 75. Douglas County Superior Court has not provided an
2 attorney to defendants at their preliminary hearing for at
3 least the last twelve years. See *Decl. of Christian Cervantes*,
4 Ex. L.

5 **V. CLASS ALLEGATIONS**

6 76. Plaintiff JOSE RIVERA-RUIZ brings this action
7 pursuant to Federal Rule of Civil Procedure 23(a) and (b)(2)
8 individually and on behalf of other similarly-situated
9 individuals of the following proposed class:

10 77. Individuals who appeared or will appear for a
11 preliminary appearance in Douglas County Superior Court as
12 defendants charged in a criminal case, and who were not or will
13 not be provided counsel, and who, being a non-citizen, was, is,
14 or will be subject to an immigration hold,

15 78. This class of individuals was subject to having their
16 Sixth Amendment Right to Counsel violated when they went
17 unrepresented at their preliminary hearings in Douglas County
18 Superior Court.

19 79. That deprivation of federal rights cause class
20 members irreparable harm, causing them to be deported from the
21 United States.

22 80. The Class is so numerous that the individual joinder
23 of all members is impracticable.

1 81. The Class Plaintiffs' claims are typical of the
2 claims of the Class.

3 82. The number of individuals who have been
4 constitutionally injured is sufficiently numerous to make class
5 action status the most practical method to secure redress for
6 injuries sustained and class wide equitable relief.

7 83. There are clear questions of law and fact raised by
8 the named Plaintiff's claim common to, and typical of, those
9 raised by the Class he seeks to represent.

10 84. The questions of law and fact common to all members
11 of the Class include but are not limited to: (a) whether
12 Defendants have a duty to provide indigent persons charged with
13 crimes with assistance of counsel; and (b) whether Defendants
14 have breached their duties.

15 85. The violations of law and resulting harms alleged by
16 the named Plaintiff are typical of the legal violations and
17 harms suffered by all Class members.

18 86. Plaintiff JOSE RIVERA-RUIZ, as Class representative,
19 will fairly and adequately protect the interests of the Class
20 members and will vigorously prosecute the suit on behalf of the
21 Class; and is represented by sufficiently experienced counsel.

22 87. The maintenance of the action as a class action will
23 be superior to other available methods of adjudication and will
promote the convenient administration of justice, preventing

1 possible inconsistent or varying adjudications with respect to
 2 individual members of the Class and/or one or more of the
 3 Defendants.

4 88. Defendants have acted, failed to act, and/or are
 5 continuing to act on grounds generally applicable to all
 6 members of the Class, necessitating declaratory and injunctive
 7 relief for the Class.

8 VI. CAUSES OF ACTION

9 The following claims are brought pursuant to 42 U.S.C. §
 10 1983, asserting violations of federal rights by state actors,
 11 acting under color of law, and in execution of their duties:

12 FIRST CAUSE OF ACTION 13 VIOLATION OF SIXTH AMENDMENT 14 RIGHT TO COUNSEL 15 PRESENCE OF COUNSEL AT INITIAL APPEARANCE

16 89. Plaintiff JOSE RIVERA-RUIZ re-alleges and
 17 incorporates by reference the allegations set forth in each of
 18 the preceding paragraphs of this Complaint.

19 90. "[T]he right to counsel guaranteed by the Sixth
 20 Amendment applies at the first appearance before a judicial
 21 officer at which a defendant is told of the formal accusation
 22 against him and restrictions are imposed on his liberty."
 23 *Rothgry v. Gillespie Cty.*, 554 U.S. 191, 194, 128 S.Ct. 2578,
 171 L.Ed.2d 366 (2008) citing *Brewer v. Williams*, 430 U.S. 387,
 398-399, 97 S.Ct. 1232, 51 L.Ed.2d 424 (1977), and *Michigan v.*

1 *Jackson*, 475 U.S. 625, 629, n. 3, 106 S.Ct. 1404, 89 L.Ed.2d
2 631 (1986).

3 91. Defendants DOUGLAS COUNTY, and GORDON EDGAR, Chief
4 Prosecuting Attorney, have deprived Plaintiff JOSE RIVERA-RUIZ
5 and Class members of their Sixth Amendment right to counsel by
6 denying them an attorney at their preliminary hearing in
7 Douglas County Superior Court.

8 92. Plaintiff JOSE RIVERA-RUIZ and Class members have
9 experienced constitutional and monetary harm by the
10 unconstitutional processes and procedures undertaken by a
11 policy, custom, or practice of the Defendants.

12 93. The conduct of Defendants was at the very least
13 reckless, and most likely purposeful, but nevertheless
14 undertaken with complete indifference to Plaintiff JOSE RIVERA-
15 RUIZ's and the Class members' federal rights to be free from
16 violations of the Sixth Amendment to the United States
17 Constitution.

18 **COUNT II**
19 **VIOLATION OF FIFTH AND FOURTEENTH AMENDMENT**
20 **RIGHT TO DUE PROCESS**
21 **PROSECUTORIAL MISCONDUCT**

22 94. Plaintiff JOSE RIVERA-RUIZ re-alleges and
23 incorporates by reference the allegations set forth in each of
the preceding paragraphs of this Complaint.

1 95. The U.S. "Supreme Court has found that prosecutorial
2 misconduct may occur in a variety of unique factual settings."
3 See *Woods v. Adams*, 631 F.Supp.2d 1261, 1278 (C.D. Cal. 2009)
4 (quoting *United States v. Williams*, 504 U.S. 36, 60, 112 S.Ct.
5 1735, 118 L.Ed.2d 352 (1992) (Stevens, J., concurring) ("[l]ike
6 the Hydra slain by Hercules, prosecutorial misconduct has many
7 heads").

8 96. "Where prosecutorial misconduct has occurred, the
9 relevant question then is whether the misconduct so infected
10 the trial with unfairness as to make the resulting conviction a
11 denial of due process." *Id.* (citing *Darden v. Wainwright*, 477
12 U.S. 168, 181, 106 S.Ct. 2464, 91 L.Ed.2d 144 (1986)).

13 97. "[K]nowing exploitation by the state of an
14 opportunity to confront the accused without counsel being
15 present is as much a breach of the state's obligation not to
16 circumvent the right to the assistance of counsel as is the
17 intentional creation of such an opportunity." *Maine v. Moulton*,
18 474 U.S. 159, 176, 106 S.Ct. 477, 484-486, 88 L.Ed.2d 481
19 (1985).

20 98. Defendants DOUGLAS COUNTY, and GORDON EDGAR, Chief
21 Prosecuting Attorney, have deprived Plaintiff JOSE RIVERA-RUIZ
22 and Class members of their Fifth and Fourteenth Amendment right
23 to due process by taking advantage of the fact that they go

1 unrepresented, to then send them off into a purgatory of the
2 prosecutor's creation.

3 99. By doing so, the defendants are depriving Mr. Rivera
4 and the Class members of their due process rights under the
5 Fifth and Fourteenth Amendments.

6 100. Plaintiff JOSE RIVERA-RUIZ and Class members have
7 experienced constitutional and monetary harm by the
8 unconstitutional processes and procedures undertaken by a
9 policy, custom, and/or practice of Defendants.

10 101. The conduct of Defendants was at the very least
11 reckless, and most likely purposeful, but nevertheless
12 undertaken with complete indifference to Plaintiff JOSE RIVERA-
13 RUIZ's and the Class members' federal rights to be free from
14 violations of the Fifth and Fourteenth Amendments to the United
15 States Constitution.

16 **VII. RELIEF REQUESTED**

17 102. WHEREFORE, Plaintiff JOSE RIVERA-RUIZ, on his behalf
18 and on behalf of all defined Class members, respectfully
19 requests this Court to -

20 a. Enter an order enjoining Defendants Customs and
21 Border Protection and United States of America from
22 deporting the Plaintiff, MR. JOSE RIVERA-RUIZ, pending
23 further order from this Court, and requiring his release
to the Douglas County Jail;

1 b. Enter an order requiring Defendants Customs and
2 Border Protection, United States of America, and Douglas
3 County, to ensure transport of Mr. Rivera to the Douglas
4 County Jail.

5 c. Enter an order enjoining Defendants DOUGLAS COUNTY
6 and GORDON EDGAR, in his official capacity, from
7 continuing to allow defendants from going unrepresented at
8 their preliminary appearances in Douglas County Superior
9 Court, pending further order from this Court;

10 d. Enter an order enjoining Defendants DOUGLAS COUNTY
11 and GORDON EDGAR, in his official capacity, from
12 continuing to keep secret from defendants the existence of
13 an "immigration hold" against them, pending further order
14 from this Court;

15 e. Pursuant to Federal Rule of Civil Procedure 65(b)(2),
16 set an expedited hearing within fourteen (14) days to
17 determine whether the Temporary Restraining Orders should
18 be extended;

19 f. Enter an order certifying this case as a Class
20 Action;

21 g. Enter an order, pursuant to the Declaratory Judgment
22 Act, declaring the conduct of the Defendants as being
23 unconstitutional;

1 h. Enter an order for injunctive relief to halt the
2 illegal processes and procedures of Defendants in
3 violation of the Fifth, Sixth, and Fourteenth Amendments
4 to the United States Constitution.

5 i. Enter an order for damages in the amount to be
6 determined at a later date;

7 j. Enter an order for an award of punitive damages;

8 k. Enter an order for an award of actual reasonable
9 attorney fees and litigation expenses pursuant to 42
10 U.S.C. § 1988, Fed. R. Civ. P. 23(h), and all other
11 applicable laws, rules, or statutes; and

12 l. Enter an order for all such other relief the court
13 deems equitable.

14 **VIII. JURY DEMAND**

15 103. For all triable issues, a jury is hereby
16 demanded.

17 RESPECTFULLY SUBMITTED this 16th day of MAY 2019.

18 *Talitha Hazelton*
19 _____
20 J. TALITHA HAZELTON
21 WSBA# 52460
22 Attorney for Plaintiff Jose
23 Rivera-Ruiz

ESPADA CRIMINAL DEFENSE
1001 Fourth Ave., Ste. 3200
Seattle, WA 98154
T: (206) 467-5987

E: th@espadalaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23